

# **Exhibit “E”**

**Werkheiser, Gregory**

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**From:** Werkheiser, Gregory  
**Sent:** Friday, September 22, 2006 4:43 PM  
**To:** 'Robert K Alber'; 'Barry Gold - Mark Minuti, ESQ'; 'Sussman, Ronald'; 'Steven E. Fox'; 'U.S. Trustee - Mark S. Kenney'  
**Cc:** Abbott, Derek  
**Subject:** RE: Alber v. Traub, Bonacquist & Fox LLP, et al., Civil Action Nos. 05-830(KAJ) and 05-831 (KAJ)

Please find attached a copy of the amended consolidated scheduling order as entered by the District Court this afternoon. Thank you.



eToysAppealAmend  
edSchedulingOr...

-----Original Message-----

**From:** Werkheiser, Gregory  
**Sent:** Friday, September 22, 2006 2:27 PM  
**To:** 'Robert K Alber'; 'Barry Gold - Mark Minuti, ESQ'; 'Sussman, Ronald'; 'Steven E. Fox'; 'U.S. Trustee - Mark S. Kenney'  
**Cc:** Abbott, Derek  
**Subject:** Alber v. Traub, Bonacquist & Fox LLP, et al., Civil Action Nos. 05-830(KAJ) and 05-831(KAJ)

I have been informed by Judge Jordan's Case Manager that an order will be entered today essentially adopting the following proposed scheduling order:

- Mr. Alber shall file his opening brief in support of the Alber Appeal on or before October 4, 2006.
- Appellees Traub, Bonacquist & Fox LLP, Barry Gold, Morris Nichols, Post-Effective Date Committee of EBC I, Inc. and the United States Trustee shall each file their respective answering briefs on or before October 18, 2006. Morris Nichols' answering brief shall double as its opening brief in support of the MNAT Cross-Appeal.
- Mr. Alber shall file any reply brief in support of the Alber Appeal on or before October 25, 2006. Mr. Alber's reply brief shall also double as his answering brief in opposition to the MNAT Cross-Appeal.
- Morris Nichols shall file any reply brief in support of the MNAT Cross-Appeal on or before November 1, 2006.

Gregory W. Werkheiser  
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Direct Dial: 302.351.9229  
Fax: 302.425.4663

Please note that effective as of January 1, 2006, my direct dial telephone number changed from 302.575.7229 to 302.351.9229. Our main telephone number and my fax number have not changed. Thank you.

M|N|A|T|

<< File: Werkheiser, Gregory W. (GWerkheiser@MNAT.com) .vcf >>